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Attorney for Gail Brehm Geiger, Acting United States Trustee for Region 18

**UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF OREGON**

In re  Cheryl Kae Stites,  Debtor.	Case No. 14-35071-rld7
In re  Kathleen Arthur,  Debtor	Case No. 15-62393-tmr7
In re  Mary Ann Michiko Roberts,  Debtor	Case No. 15-63116-tmr7
United States Trustee,  Plaintiff,  v.  Vincent Howard, Howard Law, P.C., Erik Graeff, Law Offices of Erik Graeff, P.C.,  Defendants.	Adversary Nos. 16-3013-rld 16-6061-rld 16-6062-rld  <b>PLAINTIFF UNITED STATES TRUSTEE'S WITNESS LIST</b>  Trial Date: January 4-5, 2017 Trial Time: 9:00 a.m. Location: Courtroom 3

The Acting United States Trustee for Region 18, Gail Brehm Geiger ("Plaintiff"), by and through Trial Attorney Carla Gowen McClurg, presents the following list of witnesses Plaintiff

intends to call to testify during the trial on Plaintiff's complaints filed in the above-referenced adversary proceedings. In addition to these witnesses, Plaintiff intends to offer the underlined testimony of Kathleen Arthur, Mary Ann Michiko Roberts, Raymonde Voss, Nancy Jin, and David Walker, contained in Exhibits 129-133, as substantive evidence.

1. Erik Graeff ("Graeff"), Defendant, 2125 N. Flint Ave, Portland, OR 97227 (represented by attorney Loren Scott). Plaintiff intends to call Graeff to testify regarding the following topics:

- a. Graeff's relationship with Vincent Howard ("Howard"), Howard Law, P.C. ("Howard Law") (collectively the "Howard Defendants"), Morgan Drexen, Inc. ("Morgan Drexen"), and other attorneys affiliated with the aforementioned individuals and entities.
- b. Compensation received by Graeff and/or his law firm, the Law Offices of Erik Graeff, P.C. ("Graeff Law") (collectively the "Graeff Defendants"), related to his relationship with the Howard Defendants.
- c. Contracts and/or agreements the Graeff Defendants had with the Howard Defendants and Morgan Drexen and services provided pursuant to those contracts and/or agreements.
- d. Billing and payment for services under the contracts and/or agreements between the Graeff Defendants and Morgan Drexen, the Howard Defendants, and/or Howard Law affiliated attorneys.
- e. Bank accounts held in Graeff Law's name related to his relationship with the Howard Defendants and Morgan Drexen and the management of and disposition of funds held in those accounts.

f. The nature, extent, and fees charged for services provided by Graeff Law to Oregon residents, including but not limited to Stites, Kathleen Arthur (“Arthur”), and Mary Ann Michiko Roberts (“Roberts”) (collectively the “Debtors”), pertaining to Graeff’s relationship with the Howard Defendants and Morgan Drexen.

g. Advertisements by Graeff Law, the Howard Defendants, and/or Morgan Drexen for bankruptcy and/or debt settlement services.

h. The circumstances and events pertaining to and following Graeff’s termination of his relationship with the Howard Defendants and Morgan Drexen.

2. Vincent Howard, Defendant, 2099 S. State College Blvd., Suite 600, Anaheim, CA 92806 (represented by attorneys Nicholas Henderson and Jeffrey Katz). Plaintiff intends to call Howard to testify regarding the following topics:

a. The Howard Defendants’ relationship with Morgan Drexen, Graeff Law, and other Howard Law network attorneys, including Oregon attorneys.

b. Compensation and fees received by the Howard Defendants pertaining to debt settlement and bankruptcy services, including but not limited to services provided to Oregon residents.

c. Contracts and/or agreements between the Howard Defendants and Morgan Drexen and Howard Law affiliated attorneys, including without limitation Oregon attorneys, and services provided in connection with such contracts and/or agreements.

d. Billing and payment for services under the contracts and/or agreements between the Howard Defendants and Morgan Drexen and/or Howard Law affiliated attorneys, including without limitation Oregon attorneys.

e. Bank accounts held in Howard Law’s name into which bankruptcy and/or debt

settlement client funds were deposited or subsequently transferred and the management of and disposition of funds held in those accounts.

f. The nature, extent, and fees charged for services provided by Howard Law to Oregon residents, including but not limited to the Debtors and Raymonde Voss (“Voss”).

g. Advertisements by Graeff Law, the Howard Defendants, and/or Morgan Drexen for bankruptcy and/or debt settlement services.

h. The circumstances and events pertaining to and following Graeff’s termination of his relationship with the Howard Defendants and Morgan Drexen.

i. Records maintained by the Howard Defendants pertaining to clients of the Howard Defendants and/or attorneys affiliated with Howard Law following Morgan Drexen’s bankruptcy filing.

3. James C. Loy (“Loy”), former attorney affiliated with Howard Law, P.C. (“Howard Law”), 3425 NE 40<sup>th</sup> Ave., Portland, OR 97212 (represented by attorney Johnston Mitchell). Plaintiff intends to call Loy to testify about the following topics:

a. Loy’s relationship with the Howard Defendants, Morgan Drexen, and other attorneys affiliated with the aforementioned individuals and entities.

b. Compensation received by Loy related to his relationship with the Howard Defendants.

c. Contracts and/or agreements Loy had with the Howard Defendants and services provided pursuant to those contracts and/or agreements.

d. Billing and payment for services under the contracts and/or agreements between Loy, the Howard Defendants, and/or Howard Law affiliated attorneys.

e. Loy’s use of the services of Morgan Drexen pertaining to his relationship with the

Howard Defendants and/or Howard Law affiliated attorneys.

f. The nature, extent, and fees charged for services provided by Loy to Oregon residents, including pertaining to Loy's relationship with the Howard Defendants and Howard Law affiliated attorneys.

g. The circumstances and events pertaining to and following Graeff's termination of his relationship with the Howard Defendants and Morgan Drexen, including information and communications provided to Oregon clients regarding Loy.

4. Jeffrey Katz, former general counsel for Morgan Drexen. Plaintiff intends to call Mr. Katz to testify only in his capacity as former general counsel for Morgan Drexen to testify regarding the following topics:

a. Morgan Drexen's business model and client/customer base, including any changes to the business model, such as changes to increase its client/customer base or changes made in response to state or federal statutes, rules, and/or regulations regarding debt settlement or bankruptcy.

b. Morgan Drexen's relationship with the Howard Defendants, Graeff Law, and other Howard Law network attorneys, including Oregon attorneys.

c. Compensation and fees received by Morgan Drexen pertaining to its relationship with the Howard Defendants, Graeff Law, and Howard Law affiliated attorneys.

d. Contracts and/or agreements Morgan Drexen had with the Howard Defendants and Howard Law affiliated attorneys, including without limitation Oregon attorneys, and services provided in connection with such contracts and/or agreements.

e. Morgan Drexen's systems, processes, policies and/or procedures in connection with services under contracts and/or agreements Morgan Drexen had with the Howard

Defendants and Howard Law affiliated attorneys, including without limitation Oregon attorneys.

f. Billing and payment for services under the contracts and/or agreements Morgan Drexen had with the Howard Defendants and Howard Law affiliated attorneys, including without limitation Oregon attorneys.

g. Records maintained by Morgan Drexen in providing services under the contracts and/or agreements Morgan Drexen had with the Howard Defendants and Howard Law affiliated attorneys, including without limitation Oregon attorneys.

h. Supervision and training of Morgan Drexen staff in connection with providing services under the contracts and/or agreements Morgan Drexen had with the Howard Defendants and Howard Law affiliated attorneys, including without limitation Oregon attorneys.

i. Morgan Drexen's role in connection with drafting documents for Howard Law and Howard Law affiliated attorneys, including without limitation Oregon attorneys.

j. Morgan Drexen's role in connection with setting fees and calculating payments for debt settlement, bankruptcy, and other services and costs for bankruptcy and debt settlement clients of Howard Law and Howard Law affiliated attorneys.

k. Advertisements created and/or placed by Morgan Drexen for or on behalf of the Howard Defendants, the Graeff Defendants, and/or Howard Law affiliated attorneys.

l. The circumstances and events pertaining to and following Graeff's termination of his relationship with the Howard Defendants and Morgan Drexen.

5. Cheryl Kae Stites ("Stites"), Debtor (represented by attorney Brandon Rennie), former client of Howard Nassiri, LLP/Howard Law and Graeff Law. Plaintiff intends to call

Stites to testify regarding the following topics:

- a. Her experiences and communications with Howard Nassiri, LLP (“Howard Nassiri”), the Howard Defendants, the Graeff Defendants, Howard Law affiliated attorneys, and Morgan Drexen regarding her debt settlement and bankruptcy matters.
- b. Her understanding regarding the services promised to be provided to her by Howard Nassiri, the Howard Defendants, the Graeff Defendants, Morgan Drexen, and Howard Law affiliated attorneys.
- c. Funds paid by Stites to Howard Nassiri, the Howard Defendants, the Graeff Defendants, and/or Howard Affiliated attorneys and the disposition and accounting for those funds.
- d. The circumstances and events related to Stites’s bankruptcy matter.

6. Jack Arutyunyan, United States Trustee Bankruptcy Analyst, Office of the United States Trustee, U.S. Department of Justice, 915 Wilshire Blvd., Suite 1850, Los Angeles, CA 90017 (Plaintiff United States Trustee represented by undersigned counsel). Plaintiff intends to call Mr. Arutyunyan to testify regarding summaries prepared by Plaintiff of (i) bank statements and monthly client statements (Exhibits 94, 95, 97, 98, and 99); and (ii) documents received by Plaintiff regarding the circumstances of the settlement negotiated by Howard Law for Stites with Palisades Collection, LLC (Exhibit 96).

7. Michael Connolly, United States Trustee Paralegal Specialist, Office of the United States Trustee, U.S. Department of Justice, 620 SW Main Street, Room 213, Portland, OR 97205 (Plaintiff United States Trustee represented by undersigned counsel). Plaintiff intends to call Mr. Connolly to testify regarding a summary prepared by Plaintiff summarizing the Law Offices of Erik Graeff, P.C. (“Graeff Law”) and Howard Law fee agreements with Oregon

residents received by Plaintiff dated after December 11, 2014 (Exhibit 100). Plaintiff also intends to call Mr. Connolly to testify regarding his review of websites for Howard Law, Graeff Law, and the Legal Assistance Program, *see* Exhibits 38, 39, 40, 41, and 42, and for Oregon government agency websites for registration information for Howard Law and Howard Law affiliated entities. Plaintiff further intends to call Mr. Connolly regarding certificates and/or registration documents from Oregon government agencies pertaining to registration information for Howard Law and Howard Law affiliated entities. Plaintiff also intends to call Mr. Connolly to authenticate documents and other evidence proffered by the UST to the extent the parties do not agree.

DATED this 19th day of December, 2016.

Respectfully submitted,  
GAIL BREHM GEIGER  
Acting United States Trustee for Region 18

/s/ Carla Gowen McClurg  
CARLA GOWEN McCLURG, OSB #165144  
Trial Attorney



## **CERTIFICATE OF SERVICE**

I hereby certify that on December 19, 2016 I served a copy of the foregoing **PLAINTIFF UNITED STATES TRUSTEE'S WITNESS LIST** by mailing a copy of this document, by United States first class mail, postage prepaid, addressed to the following:

Jeffrey A. Katz  
1919 N. Heliotrope Dr.  
Santa Ana, CA 92706

Vincent Howard  
2099 S. State College Blvd., Suite 600  
Anaheim, CA 92806

Howard Law, P.C.  
Vincent Howard  
2099 S State College Blvd #600  
Anaheim, CA 92806

GAIL BREHM GEIGER  
Acting United States Trustee for Region 18

/s/ Carla Gowen McClurg  
CARLA GOWEN McCLURG, OSB #165144  
Trial Attorney